

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARLOS A. HAWTHORNE,

Plaintiff,

v.

A YANEZ, et al.,

Defendants.

Case No. [17-cv-04960-HSG](#)

**ORDER DENYING REQUEST FOR
EXTENSION OF TIME AS MOOT;
DENYING SIXTH REQUEST FOR
LEAVE TO FILE SECOND AMENDED
COMPLAINT**

Re: Dkt. Nos. 79, 80

Plaintiff, an inmate at San Quentin State Prison, has filed this *pro se* action pursuant to 42 U.S.C. § 1983. This order addresses Plaintiff's two pending motions: (1) a motion to change time to file a dispositive motion, Dkt. No. 79; and (2) his sixth request for leave to file an amended complaint, Dkt. No. 80.

Dkt. No. 79 is DENIED. It is unclear what relief is sought in Dkt. No. 79. The pleading is titled "Plaintiff's notice of motion and motion to change time to file a motion in opposition to Defendants' dispositive motion." Dkt. No. 79 at 1. However, the body of the motion requests an extension of time to February 18, 2022, to file a motion for summary judgment or other dispositive motion. Dkt. No. 79 at 1. The motion is dated February 23, 2022. Dkt. No. 79 at 4. The declaration requests a "120-day extension of Defendants' currently/set dispositive motion deadline." Dkt. No. 79 at 7. To the extent that Plaintiff is requesting a 120-day extension of time to file a dispositive motion, that request is GRANTED IN PART AND DENIED IN PART. The briefing schedule set forth in the Court's March 7, 2022, order allows Plaintiff to file a dispositive motion by May 6, 2022.¹ To the extent that Plaintiff is requesting an extension of time to file his

¹ On March 7, 2022, the Court denied defendant Swensen's motion to dismiss; granted summary judgment in favor of defendants Fonesca, Davis, Hagens, and Cazjkowski on all claims; granted


1 opposition to Defendants' dispositive motions, that request is DENIED AS MOOT. The Court
 2 has already decided the dispositive motions filed in December 2021. Moreover, Plaintiff filed an
 3 opposition to the CDCR Defendants' summary judgment motion, and the deadline to file an
 4 opposition to defendant Swensen's motion to dismiss has long since passed. It is also unclear why
 5 Plaintiff seeks a February 18, 2022 filing deadline, as that date has passed.

6 Plaintiff's sixth request for an extension of time to file a second amended complaint (Dkt.
 7 No. 80) is DENIED for the reasons set forth in the court's prior orders denying leave to file a
 8 second amended complaint. *See, e.g.*, Dkt. Nos. 70, 78.

9 This order terminates Dkt. Nos. 79, 80.

10 **IT IS SO ORDERED.**

11 Dated: 3/8/2022

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 13 HAYWOOD S. GILLIAM, JR.
 14 United States District Judge
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 28 summary judgment in favor of defendant Thomas on the First Amendment free exercise and free
 speech claims. Dkt. No. 81. The Court ordered the parties to file dispositive motions on the
 remaining claims by May 6, 2022. *Id.*